

2020-242-E

ACCEPTED FOR PROCESSING - 2020 October 8 3:55 PM - SCPSC - 2020-242-E - Page 1 of 3

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OCT 08 2020

To whom it may concern,

PSC SC
CLERK'S OFFICE

As per Robert Moreland of Duke Energy Carolinas LLC (DECLLC), and Brad Kirby of The Office Of Regulatory Staff (ORS), DECLLC intends to switch the analog meter on my house to a digital meter (smart meter or a MRM meter) absent my consent or disconnect electrical service for 103-344 violation of reasonable access. For the record I have never prevented access to DECLLC's equipment, and any individuals freedom of movement, to say otherwise is an outright falsehood and is being used as an excuse to deprive me of an essential utility, and punish me for standing up for my rights and the rights of South Carolina citizens. This action authorized by The South Carolina Public Service Commission (SC.PSC) and under SC.SPC jurisdiction allows DECLLC to take the private property of airspace (Causby V. U.S), and the intellectual private property of how, when, why, and for how long my family and I choose to use an electrical device. This not only affects not only myself but every other citizen of South Carolina. This taking of private property does not satisfy the requirements under the takings clause of the United States Constitution. 5th amendment and 14th amendment incorporation clause :

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The SC.PSC has no legal constitutional right to take this private property from a citizen and give it to a private for profit corporation (DECLLC), on the grounds of no just compensation, and the property is not taken for public use. Private property is a fundamental right long recognized by The Supreme Court (SCOTUS), and any impairments of this right is the burden of SCOTUS to analyze with strict scrutiny and to determine the constitutionality of the impairment. It is the responsibility of the SC.PSC to not only abide by these laws, but you are also duty bound by oath to protect and defend these rights. Any violations of these rights and breach of duty fall under Title 42 U.S.C. SECTION 1983 and Title 42 U.S.C. SECTION 1985 (for conspiracy to deprive). The sending of radio waves broadcasted from my home carrying my private intellectual property prevents me from the enjoyment of air space and causes mental anguish.

As per Robert Moreland of DECLLC during a conversation we had yesterday 10/07/20 he intends to have DECLLC employees switch the meters accompanied by an armed police escort on 10/09/20 for the

reason that I may become violent. I have no history of violence, I have verbally, and in writing made it abundantly clear I do not intend harm to anyone. This will mark the third time these civil standbys are employed by DECLLC against me. These civil standbys are usually for people with a credible threat of violence: wife beaters, child abusers, mental cases, and people with a history of violence. I am none of those things. These actions from DECLLC damage my reputation irreparably in two ways: 1) I am considered a potential threat in the eyes of law enforcement. 2) my neighbors witness police at my home multiple times. If there is a need for DECLLC to protect its employees from harm, then by all means deploy every option available, but please stop this from happening to those who have made no threats. Not to mention I am on my heels while explaining to the police I am not a threat to them or DECLLC employees, while still at the same time being assertive with the protection of rights.

This is a new and unrelated complaint, as it deals with disconnection of service, and the unconstitutional taking of private property. Any attempt by DECLLC counsel to present res judicata as an affirmative defense fails on the merits. Most likely they will motion for dismiss for failure to state a claim. The claim is above. The relief is below.

It is my wish to have this complaint heard before the full commission and not a hearing examiner, as it affects not only myself, but all South Carolina citizens and the preservation of rights.

Relief: No disconnection of service or switching of meters until matter is resolved, by a final order of the commission in compliance with the laws of this state and nation. No more harming of reputations of non-violent citizens.

Regards,

Enrique McMilion Jr.

Elise

From: The McMilions <emcmillion3@gmail.com>
Sent: Thursday, October 8, 2020 1:12 PM
To: scpscforms@psc.sc.gov; PSC_Contact <Contact@psc.sc.gov>
Subject: [External] complaint

Please have this complaint docketed asap.

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